



Connecticut Sentencing Commission

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TESTIMONY IN SUPPORT OF SECTIONS 14 & 15 OF HB-5586

AN ACT CONCERNING REVISIONS TO VARIOUS STATUTES CONCERNING
THE CRIMINAL JUSTICE SYSTEM.

By Attorney Robert Farr
Chair, Sentencing Commission Classification Working Group

Good morning Senator Coleman, Representative Fox, Senator Kissel,
Representative Rebimbas and members of the Judiciary Committee.

I am attorney Robert Farr, Chair of the Sentencing Commission's Classification Working Group. The Working Group consists of Executive Assistant State's Attorney Brian Austin and Legal Counsel/Executive Assistant Public Defender Deborah Del Prete Sullivan. Over the past two years, we have brought you consensus recommendations from the Sentencing Commission to help improve Connecticut's criminal statutes. In 2013 the Commission recommended the classification of the unclassified felonies in the penal code (PA 13-258) and clarification the elements incorporated in the false statement statues (PA 13-144). In 2012, the Commission recommended the classification of all unclassified misdemeanors (PA 12-80). Sections 14 and 15 of HB-5586 are consensus recommendations of the Sentencing Commission and continue in the spirit of improving the penal code. I want to be clear that the Sentencing Commission ONLY supports Sections 14 and 15 of this bill, the other sections have not been evaluated by the Commission and do not represent a consensus recommendation.

Sections 14 and 15 address an inconsistency in the treatment of simple Larceny: obtaining money by bad checks, and obtaining money through stealing from an ATM machine. At the present time, our Larceny statutes have six different levels of seriousness, ranging from Larceny in the first degree for stealing over \$20,000 down to Larceny in the sixth degree for stealing less than \$500. Similarly, our bad check statute has four penalties for writing bad checks, from the least serious for checks under \$250 to the most serious for checks over \$1,000. Further, our fraudulent use of an ATM machine statute doesn't differentiate between levels of fraudulent withdrawals.

As a result of this inconsistency, if an individual fraudulently withdraws \$501 from an ATM machine, he or she could be charged with a C Misdemeanor. Whereas, if they wrote a fraudulent check for \$501 they would be charged with an A Misdemeanor. And if they simply stole \$501 in cash, they would be charged with Larceny in the 5th, which is a B Misdemeanor.

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This inconsistency should be corrected. Under the proposed legislation the new monetary levels for bad checks are adjusted to match those for Larceny, and all fraudulent use of an ATM machine penalties are made Class A Misdemeanors. This proposal was supported by the Public Defenders and the State's Attorneys Office and the Full Sentencing Commission.

We recommend the adoption of the changes contained in sections 14 and 15 of HB-5221.

Thank you for your consideration of this testimony. I would be happy to answer any questions you may have.